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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,968	07/10/2001	Zan Gullickson	115.9	8217

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THOMAS E. MALYSZKO  
SUITE 1500  
250 - 6 AVENUE, S.W.  
CALGARY, T2P 3H7  
CANADA

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/25/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,968

Applicant(s)

GULLICKSON ET AL.

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3679

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Oct 14, 2003 has been entered.

*Drawings*

3. The replacement drawing for Fig. 3 was received on Oct 14, 2003. This drawing is disapproved because it fails to include the changes in the approved drawing correction filed Mar 6, 2003.

*Claim Rejections - 35 USC § 112*

4. Claims 14-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 14, line last recites the limitation "said desired clearance may be maintained both before and after overload". Applicant has not pointed out where this limitation is

Art Unit: 3679

supported, nor does there appear to be a written description of the limitation in the application as originally filed.

5. Claims 14-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 14, line last recites the limitation “said desired clearance may be maintained . . . after overload” but there is no disclosure of how to make the claimed invention so that such clearance may be maintained after overload.

6. Claims 19/15 and 20/18/15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 19 & 20 each recite the limitation “a washer element”. It is not clear if this washer element is the same as, or different from the washer element recited in claim 15.

*Claim Rejections - 35 USC § 103*

7. Claims 14-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, US 1,574,466 in view of Grauel, US 1,704,939. Figs. 1-3 of Brown show a shear bolt coupling assembly comprising: a first coupling member 10 with a first radially extending flange 10 with a plurality of open ended slots 10b, c; a second coupling assembly 11 located coaxially with the

Art Unit: 3679

first coupling member 10 and having a second radially extending flange 11 with a plurality of open ended slots 11b, c; and an elongate shear bolt 15 (see also page 1, line 82) having a first portion 15c forming a shear area of a given shear strength, a second portion 15d on each side of the first portion 15c forming a shoulder 15d of larger diameter than the first portion 15c for abutting each of the first and second flanges 10 & 11 to provide a desired clearance there between (see also page 1, lines 87 & 88), and a third shaped portion 15a extending from each shoulder 15d adapted to receive a fastening member 15b to secure the shear bolt 15 with the first and second flanges 10 & 11, thereby securely connecting the first and second coupling members 10 & 11. On page 1, lines 82-86, Brown discloses that the third portion is shaped so as to rigidly engage the slots 10b,c & 11b,c. In Fig. 1 Brown shows a washer element having an opening inserted on the third portion 15a of shear bolt 15, but does not show the washer adapted to register with a correspondingly shaped recess in a respective flange 10 or 11. On page 1, lines 1-7 and 64-79, Grauel teaches providing a bolt with a washer element 5 having an opening 6 such that the washer 5 is adapted to register with a correspondingly shaped recess 3, 4 in a respective flange 1 in order to provide a means for adjusting the radial spacing of the bolt. It would have been obvious to one of ordinary skill in the art to modify the assembly of Brown by providing the shear bolt with a washer adapted to register with a correspondingly shaped recess in a respective flange 10 or 11 in order to provide a means for adjusting the radial spacing of the bolt as taught by Grauel.

8. Claim 18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Grauel as applied to claim 14-17 above, and further in view of Glitsch, US 2,525,217.

Art Unit: 3679

The combination of Brown and Grauel includes all the limitations of the claims except opposed planar surfaces on the third portion 15a of the shear bolt to engage with the washer (shown in Fig. 1 of Brown).

In col. 1, lines 42-46, Glitsch teaches making a bolt with a shaped portion having radially opposed planar surfaces in order to provide the bolt with a means to snugly fit within a washer 15. It would have been obvious to one of ordinary skill in the art to modify the shear bolt of Brown by making the third shaped portion with radially opposed planar surfaces in order to provide the bolt with a means to snugly fit within the washer as taught by Glitsch.

#### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda  
Primary Examiner  
Art Unit 3679